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NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
WASTE DISCHARGE PERMIT No. WA-000093-1

State of Washington  
DEPARTMENT OF ECOLOGY  
Olympia, Washington 98504-8711

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
And  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1251 et seq.  
Kaiser Aluminum & Chemical Corporation, Tacoma Works  
3400 Taylor Way  
Tacoma, Washington 98421

<u>Facility Location:</u> 3400 Taylor Way		<u>Receiving Water</u> Hylebos & Blair Waterways to Commencement Bay	
<u>Water Body I.D. No.:</u> WA - 10 - 0020		<u>Discharge Location</u>	
	Outfall 001 (Hylebos):	Lat. 47° 15' 46" N	Long. 122°22' 12" W
	Outfall 003 (Hylebos):	Lat. 47° 15' 37" N	Long. 122°21' 56" W
	Outfall 004 (Hylebos):	Lat. 47° 15' 33" N	Long. 122°21' 50" W
	Outfall 005 (Blair):	Lat. 47° 15' 30" N	Long. 122°22' 24" W
<u>Industry Type:</u> Primary Production of Aluminum Aluminum Rolling and Drawing			

is authorized to discharge in accordance with the special and general conditions that follow.

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Carol Kraege, P.E.  
Industrial Section Manager  
Washington State Department of Ecology

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## SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.	Discharge Monitoring Report	Monthly	December 15, 2001
S4.A.	Operations and Maintenance Manual Update or Review Confirmation Letter	Within 6 months of effective date & as needed	May 01, 2002
S5.	Spill Plan	1/permit cycle, updated as necessary	May 01, 2003
S6.	Receiving Water Study Sampling & Analysis Plan	1/permit cycle	May 01, 2002
S6.	Receiving Water Study	1/permit cycle	Within 90 days of completing the study and no later than May 01, 2006
S7.	Acute Toxicity Characterization Data	Monthly for one year	Testing shall begin within 60 days of plant startup
S7.	Acute Toxicity Characterization Data – Data Report		within 60 days after the sample date
S7.	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S7.	Acute Toxicity Compliance Monitoring Reports	Quarterly if a limit is determined to be necessary	See permit condition S7
S7.	Acute Toxicity Effluent Characterization with Permit Renewal Application	2/permit cycle if a limit was not determined to be necessary	August 01, 2005 & February 01, 2006

Permit Section	Submittal	Frequency	First Submittal Date
S7.	Acute Toxicity Effluent Characterization with Permit Renewal Application – Summary Report	1/permit cycle if a limit was not determined to be necessary	May 01, 2006
S8A	Chronic Toxicity Characterization	Quarterly for one year	Testing shall begin within 60 days of plant startup
S8A	Chronic Toxicity Characterization Data Report		within 60 days after the sample date
S8A	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	90 days following the last characterization sampling event
S8C	Chronic Toxicity Compliance Monitoring Reports	Quarterly if a limit is determined to be necessary	See permit condition S8
S8	Chronic Toxicity Effluent Characterization with Permit Renewal Application	2/permit cycle if a limit was not determined to be necessary	August 01, 2005 & February 01, 2006
S8	Chronic Toxicity Effluent Characterization with Permit Renewal Application – Summary Report	1/permit cycle if a limit was not determined to be necessary	May 01, 2006
S9.	Outfall Evaluation	1/permit cycle	May 01, 2006
S10.A.1	Develop and submit SWPPP		May 01, 2002
S10.A.2	Implement non-capital BMP's		August 01, 2002
S10.A.3	Implement capital BMP's		May 01, 2003
S10.C.	SWPP Inspections	Twice/year	
S11.C	Solid Waste Control Plan	1/permit cycle	May 01, 2002
G1.	Notice of Change in Authorization	As necessary	
G7.	Application for permit renewal	1/permit cycle	May 01, 2006

## SPECIAL CONDITIONS

### S1. DISCHARGE LIMITATIONS

#### A. Process Wastewater Discharges

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge contact and non-contact cooling water, garage wash water, Rectifier Station oil/water separator discharge water and stormwater runoff at the permitted locations subject to meeting the following limitations:

<b>EFFLUENT LIMITATIONS: OUTFALL # 001</b>			
<b>Parameter</b>	<b>Test Method &amp; Minimum Quantitation Limit (QL)</b>	<b>Monthly Average<sup>a</sup></b>	<b>Daily Maximum<sup>b</sup></b>
Total Suspended Solids		77 lb./day	177 lb./day
Fluoride		82 lb./day	182 lb./day
Aluminum		18 lb./day	48 lb./day
Cyanide, free	Method 4500-CN-I QL = 0.01 mg/l	-	0.01 mg/L <sup>(1-5)</sup>
Benzo(a)pyrene	Method 625 QL = 0.0125 mg/l	-	0.01 mg/L <sup>(1-5)</sup>
Oil & Grease		5 mg/L	10 mg/L
Total PCB's	Method 608 QL = 0.325 mg/l	-	0.003 mg/L <sup>(1-5)</sup>

pH <sup>c</sup>	Daily minimum is greater than or equal to 6.0, and daily maximum is less than or equal to 9.0
<sup>a</sup> The monthly average effluent limitation is the highest average of daily discharges over a calendar month, calculated as the sum of all daily discharges divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the daily maximum effluent limitation applies to that sample.	
<sup>b</sup> The daily maximum limitation is the highest allowable daily discharge. The daily discharge means the pollutant discharge during a 24-hour sampling day. For pollutants with mass limitations, the daily discharge is the total pollutant mass discharged over the day. For other units of measurement, the daily discharge is the average pollutant measurement over the day.	
<sup>c</sup> Indicates the range of permitted values. When pH is continuously monitored, excursions between 5.0 and 6.0, or 9.0 and 10.0 shall not be considered violations provided: a)no single excursion exceeds 60 minutes in length and b)total excursions do not exceed 7 hours and 30 minutes per month, or c)Kaiser can show to the satisfaction of the Department, that the excursion was caused by algae only. Any excursions below 5.0 and above 10.0 are violations. The instantaneous ( $\leq 1$ minute) maximum and minimum pH shall be reported monthly.	

Footnotes:

(1) The method detection level (MDL) for cyanide is 0.002 mg/L using method number 4500CN-I. The quantitation level (QL) for cyanide is 0.01 mg/L (5 x MDL).

This QL will be used for assessment of compliance with these effluent limits. If the Permittee is unable to attain the MDL and QL in its effluent due to matrix effects, the Permittee shall submit a matrix specific MDL and QL to the Department by (nine months after effective date). The matrix specific MDL and QL shall be calculated as follows:

MDL = 3.14 x (standard deviation of 7 replicate spiked samples). This corresponds to the calculation of the method detection limit, as defined in 40 CFR Part 136, Appendix B, with the provision that the MDL be calculated for a specific effluent matrix.

The QL = 5 x MDL

Check standards at concentrations equal to the QL shall be analyzed alongside all compliance monitoring samples. Check standards shall be produced independently of calibration standards and maintained as a part of the Permittee's records. All check standard recovery data and duplicate measurements shall be submitted to the Department in the discharge monitoring report. The Department's precision goal is +/- 20%.

(2) If the measured effluent concentration is below the QL as determined in Footnote #1 above, the Permittee shall report NQ for non-quantifiable.

**B. Mixing Zone Descriptions**

The maximum boundaries of the mixing zone for Outfall 001 is defined as follows:

Chronic Mixing Zone: The length of the chronic mixing zone shall extend upstream and downstream of the discharge ports for two hundred and ten feet (210) in both directions. The width of the chronic mixing zone shall be 62.5 feet on each side of the diffuser. The dilution ratio at the edge of this chronic zone has been calculated to be 22 to 1 (22:1).

Acute Mixing Zone: The acute mixing zone is ten percent (10%) of the chronic mixing zone as previously defined. This zone shall be twenty-one (21) feet longitudinally and 6.25 feet laterally from the outfall. The dilution ratio for the acute zone has been calculated to be 9 to 1 (9:1).

**S2. MONITORING REQUIREMENTS**

**A. Monitoring Schedule**

**Outfall 001:**

Parameter	Units	Sample Point	Frequency	Sample Type
TSS	lb./day	Final effluent	7 days per week	24 hr. comp <sup>(b)</sup>
Fluoride	lb./day	Final effluent	7 days per week	24 hr. comp <sup>(b)</sup>
Aluminum	lb./day	Final effluent	7 days per week	24 hr. comp <sup>(b)</sup>
Cyanide, free	mg/L	Final effluent	7 days per week	24 hr. comp <sup>(b)</sup>
Benzo(a)pyrene	mg/L	Final effluent	1 day per week	24 hr. comp <sup>(b)</sup>
Oil & Grease	mg/L	Final effluent	3 days per week including 1 weekend day	grab
PCB's, total	mg/L	(a)	Quarterly	grab
pH	Standard units	Final effluent	Continuous <sup>(c)</sup>	Continuous
Temperature	°F.	Final Effluent	Continuous <sup>(c)</sup>	Continuous
Flow	MGD	Parshall flume	Continuous <sup>(c)</sup>	Continuous
Precipitation	inches	onsite	7 days per week	24 hr. Total
Aluminum Prod.	Tons/day <sup>(d)</sup>	-	-	Daily avg.
WET Testing	See Permit Conditions S6 and S7			24 hr. comp <sup>(b)</sup>



Parameter	Units	Sample Point	Frequency	Sample Type
Priority Pollutant Testing	mg/L	Final effluent	annually	24 hr. comp <sup>(b)</sup>

(a) PCB samples shall be collected from the sampling port of the oil/water separator. In addition, flow from the oil/water separator shall be monitored continuously and recorded on a daily basis, 7 days per week.

(b) A 24-hour composite sample is defined as a 24-hour flow proportional composite sample.

(c) “Continuous” monitoring of these parameters shall not include periods of downtime due to unanticipated and uncontrollable power interruptions and equipment malfunctions. All down time for these parameters shall be reviewed by Ecology and approved or disapproved.

(d) Aluminum Production is determined by dividing the weight of aluminum tapped from the potline during a month by the number of days in the month.

#### **Outfalls 003 & 004:**

Commencing in the second month of this permit cycle and in accordance with the sampling frequencies described below, the stormwater samples shall be collected from the outfall or an on-line storm drain access point nearest the outfall terminus.

Grab samples shall be collected within the first 60 minutes after discharge begins from storm events that are greater than 0.1 inches of rainfall and at least 72 hours from the last measurable storm event. If such events do not occur during a month, there is no requirement to submit stormwater data for the month. The permittee may elect to analyze each drainage basin to determine the appropriate time period to achieve “first flush” capture. If the permittee elects to complete this analysis, it shall be submitted for Ecology review and approval prior to implementing study recommendations.

Parameter	Units	Sample Point	Frequency	Sample Type
TSS	mg/L	outfall	Three grab samples from three separate storm events (as described above) shall be collected each month during October through March and one sample each month during April through September.	
Fluoride	mg/L	outfall		
Aluminum	mg/L	outfall		
Cyanide, free	mg/L	outfall		
Benzo(a)pyrene	mg/L	outfall		
Oil & Grease	mg/L	outfall		

**Outfall 005:**

Commencing in the second month of this permit cycle and in accordance with the sampling frequencies described below, Outfall 005 samples shall be collected from the outfall access point nearest the outfall terminus.

Parameter	Units	Sample Point	Frequency	Sample Type
TSS	mg/L	outfall	1/month	grab
Fluoride	mg/L	outfall	1/month	grab
Aluminum	mg/L	outfall	1/month	grab
Oil & Grease	mg/L	outfall	1/month	grab

B. Temporary Curtailment

During periods of temporary curtailment of smelting operations, the Permittee may petition the Department in writing to reduce or eliminate effluent monitoring. Curtailment is defined as the shut down of 90% or more of potline operations. Upon start up of the curtailed smelting operations, all NPDES requirements shall revert to those in the current permit.

C. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters. This will include representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

D. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's

recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

**S3. REPORTING AND RECORDKEEPING REQUIREMENTS**

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during the previous month shall be summarized and reported on a form provided, or otherwise approved, by the Department. The report shall be received by the Department no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to the Department of Ecology, Industrial Section, PO Box 47706, Olympia, Washington 98504-7706.

All lab reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, method detection limit (MDL), lab practical quantitation limit (PQL), reporting units and concentration detected.

Discharge Monitoring Report forms must be submitted monthly whether or not the facility was discharging. If there was no discharge or the facility was not operating during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance

records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem. Also, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within 30 days after becoming aware of the violation;
2. Immediately notify the Department of the failure to comply; and
3. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

#### **S4. OPERATION AND MAINTENANCE**

The Permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

##### **A. Operations and Maintenance Manual**

An updated Operation and Maintenance (O&M) Manual shall be submitted to the Department for approval by **May 01, 2002**. It shall conform to the requirements of WAC 173-240-150. The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the Manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility. All operators are responsible for being familiar with, and using, this Manual.

##### **B. Bypass Procedures**

The Permittee shall immediately notify the Department of any spill, overflow, or bypass from any portion of the collection or treatment system.

The bypass of wastes from any portion of the treatment system is prohibited unless one of the following conditions (1, 2, or 3) applies:

1. Unavoidable Bypass -- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

If the resulting bypass from any portion of the treatment system results in noncompliance with this permit, the Permittee shall notify the Department in accordance with condition S3.E "Noncompliance Notification."

2. Anticipated Bypass That Has The Potential to Violate Permit Limits or Conditions -- Bypass is authorized by an administrative order issued by the Department. The Permittee shall notify the Department at least 30 days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) if a water quality criteria exceedance is unavoidable, a request for modification of water quality standards as provided for in WAC 173-201A-110, and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of the permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

3. Bypass For Essential Maintenance Without the Potential to Cause Violation of Permit Limits or Conditions. Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of the permit, or adversely impact public health as determined by the Department prior to the bypass.

## S5. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan by **May 01, 2003**. The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in case of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility, which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

## S6. RECEIVING WATER STUDY

The Permittee shall collect receiving water information necessary to determine if the effluent has a reasonable potential to cause a violation of the water quality standards. If reasonable potential exists the Department will use this information to calculate effluent limits. All sampling and analysis shall be conducted in accordance with the guidelines given in *Guidelines and Specifications for Preparing Quality Assurance Project Plans*, Ecology Publication 91-16. The Permittee shall submit a sampling and quality assurance plan for Department review and approval by **May 01, 2002**.

The Permittee shall sample and analyze the receiving water for total suspended solids, hardness, temperature, pH, salinity, and arsenic. The following metals shall be analyzed for both total recoverable and dissolved: zinc, copper, and nickel. The time of sampling shall be as close as possible to the time of critical period. The Permittee shall follow the clean sampling techniques (*Method 1669: Sampling Ambient Water for Trace Metals at EPA Water Quality Criteria Levels*, EPA Publication No. 821-R-95-034, April 1995). The sampling station accuracy requirements are  $\pm 20$  meters. The receiving water sampling location should be outside the zone of influence of the effluent. The Department considers ten receiving water samples to be the optimal data set and four to be the minimum for determining reasonable potential to cause a violation of the water quality standards. All chemical analysis shall be conducted according to methods given in 40 CFR 136 and shall have the following detection levels:

POLLUTANT	DETECTION LIMIT
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PARAMETER	REQUIRED
Copper	1.0 µg/L
Nickel	1.0 µg/L
Zinc	4.0 µg/L
Arsenic	1.0 µg/L

Any subsequent sampling and analysis shall also meet these requirements. The Permittee may conduct a cooperative receiving water study with other NPDES Permittees discharging in the same vicinity. The Permittee shall submit the results of the study to the Department within 90 days of completing the effluent and receiving water studies and no later than **May 01, 2006**.

## **S7. ACUTE TOXICITY**

### **A. Effluent Characterization**

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted **monthly for one year**. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50% of the organisms (LC<sub>50</sub>). The percent survival in 100% effluent shall also be reported.

**Testing shall begin within 60 days of startup of aluminum production at the Tacoma facility. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final.** This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96 hour static-renewal test, method: EPA/600/4-90/027F).



2. Daphnid, *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48 hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Effluent Limit for Acute Toxicity

The Permittee has an effluent limit for acute toxicity if, after completing one year of effluent characterization, either:

1. The median survival of any species in 100% effluent is below 80%.
2. Any one test of any species exhibits less than 65% survival in 100% effluent.

If an effluent limit for acute toxicity is required by subsection B at the end of one year of effluent characterization, the Permittee shall immediately complete all applicable requirements in subsections C, D, and F.

If no effluent limit is required by subsection B at the end of one year of effluent characterization, then the Permittee shall complete all applicable requirements in subsections E and F.

**The effluent limit for acute toxicity is no acute toxicity detected in a test concentration representing the acute critical effluent concentration (ACEC).**

In the event of failure to pass the test described in subsection C. of this section for compliance with the effluent limit for acute toxicity, the Permittee is considered to be in compliance with all permit requirements for acute whole effluent toxicity as long as the requirements in subsection D. are being met to the satisfaction of the Department.

The ACEC means the maximum concentration of effluent during critical conditions at the boundary of the zone of acute criteria exceedance assigned pursuant to WAC 173-201A-100. The zone of acute criteria exceedance is authorized in Section S1B of this permit. **The ACEC equals 10% effluent.**

C. Monitoring for Compliance With an Effluent Limit for Acute Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted quarterly for the remainder of the permit term using each of the species listed in subsection A on a rotating basis and performed using at a minimum 100% effluent, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule. The percent survival in 100% effluent shall be reported for all compliance monitoring.

Compliance with the effluent limit for acute toxicity means no statistically significant difference in survival between the control and the test concentration

representing the ACEC. The Permittee shall immediately implement subsection D if any acute toxicity test conducted for compliance monitoring determines a statistically significant difference in survival between the control and the ACEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in survival between the control and the ACEC is less than 10%, the hypothesis test shall be conducted at the 0.01 level of significance.

D. Response to Noncompliance With an Effluent Limit for Acute Toxicity

If the Permittee violates the acute toxicity limit in subsection B, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted weekly for four consecutive weeks using the same test and species as the failed compliance test. Testing shall determine the LC<sub>50</sub> and effluent limit compliance. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous.

If the one additional sample fails to comply with the effluent limit for acute toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the acute toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Acute Toxicity

Provided that the facility is making aluminum, the Permittee shall test final effluent once in the last summer (**by August 01, 2005**) and once in the last winter (**by February 01, 2006**) prior to submission of the application for permit renewal. All species used in the initial acute effluent characterization or substitutes approved by the Department shall be used, and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible, but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29% as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

## S8. CHRONIC TOXICITY

### A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent. The two chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

**Testing shall begin within 60 days of startup of aluminum production at the Tacoma facility. A written report shall be submitted to the Department within 60 days after the sample date. A final effluent characterization summary report shall be submitted to the Department within 90 days after the last monitoring test results are final.** This summary report shall include a tabulated summary of the individual test results and any information on sources of toxicity, toxicity source control, correlation with effluent data, and toxicity treatability which is developed during the period of testing.

Effluent testing for chronic toxicity shall be conducted **quarterly for one year**. The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following two species and the most recent version of the following protocols:

Saltwater Chronic Toxicity Test Species		Method
Topsmelt or Siverside minnow	<i>Atherinops affinis</i> or <i>Menidia beryllina</i>	EPA/600/R-95/136 or EPA/600/4-91/003
Mysid shrimp	<i>Holmesimysis costata</i> or <i>Mysidopsis bahia</i>	EPA/600/R-95/136 or EPA/600/4-91/003

The Permittee shall use the West Coast fish (topsmelt, *Atherinops affinis*) and mysid (*Holmesimysis costata*) for toxicity testing unless the lab cannot obtain a sufficient quantity of a West Coast species in good condition in which case the East Coast fish (silverside minnow, *Menidia beryllina*) or mysid (*Mysidopsis bahia*) may be substituted.

B. Effluent Limit for Chronic Toxicity

After completion of effluent characterization, the Permittee has an effluent limit for chronic toxicity if any test conducted for effluent characterization shows a significant difference between the control and the ACEC at the 0.05 level of significance using hypothesis testing (Appendix H, EPA/600/4-89/001) and shall complete all applicable requirements in subsections C, D, and F.

If no significant difference is shown between the ACEC and the control in any of the chronic toxicity tests, the Permittee has no effluent limit for chronic toxicity and only subsections E and F apply.

**The effluent limit for chronic toxicity is no toxicity detected in a test concentration representing the chronic critical effluent concentration (CCEC).**

In the event of failure to pass the test described in subsection C, of this section, for compliance with the effluent limit for chronic toxicity, the Permittee is considered to be in compliance with all permit requirements for chronic whole effluent toxicity as long as the requirements in subsection D are being met to the satisfaction of the Department.

The CCEC means the maximum concentration of effluent allowable at the boundary of the mixing zone assigned in Section S1B pursuant to WAC 173-201A-100. **The CCEC equals 4.3 % effluent.**

C. Monitoring for Compliance With an Effluent Limit for Chronic Toxicity

Monitoring to determine compliance with the effluent limit shall be conducted **quarterly** for the remainder of the permit term using each of the species listed in subsection A above on a rotating basis and performed using at a minimum the CCEC, the ACEC, and a control. The Permittee shall schedule the toxicity tests in the order listed in the permit unless the Department notifies the Permittee in writing of another species rotation schedule.

Compliance with the effluent limit for chronic toxicity means no statistically significant difference in response between the control and the test concentration representing the CCEC. The Permittee shall immediately implement subsection D if any chronic toxicity test conducted for compliance monitoring determines a statistically significant difference in response between the control and the CCEC using hypothesis testing at the 0.05 level of significance (Appendix H, EPA/600/4-89/001). If the difference in response between the control and the

CCEC is less than 20%, the hypothesis test shall be conducted at the 0.01 level of significance.

In order to establish whether the chronic toxicity limit is eligible for removal from future permits, the Permittee shall also conduct this same hypothesis test (Appendix H, EPA/600/4-89/001) to determine if a statistically significant difference in response exists between the ACEC and the control.

D. Response to Noncompliance With an Effluent Limit for Chronic Toxicity

If a toxicity test conducted for compliance monitoring under subsection C determines a statistically significant difference in response between the CCEC and the control, the Permittee shall begin additional compliance monitoring within one week from the time of receiving the test results. This additional monitoring shall be conducted monthly for three consecutive months using the same test and species as the failed compliance test. Testing shall be conducted using a series of at least five effluent concentrations and a control in order to be able to determine appropriate point estimates. One of these effluent concentrations shall equal the CCEC and be compared statistically to the nontoxic control in order to determine compliance with the effluent limit for chronic toxicity as described in subsection C. The discharger shall return to the original monitoring frequency in subsection C after completion of the additional compliance monitoring.

If the Permittee believes that a test indicating noncompliance will be identified by the Department as an anomalous test result, the Permittee may notify the Department that the compliance test result might be anomalous and that the Permittee intends to take only one additional sample for toxicity testing and wait for notification from the Department before completing the additional monitoring required in this subsection. The notification to the Department shall accompany the report of the compliance test result and identify the reason for considering the compliance test result to be anomalous. The Permittee shall complete all of the additional monitoring required in this subsection as soon as possible after notification by the Department that the compliance test result was not anomalous.

If the one additional sample fails to comply with the effluent limit for chronic toxicity, then the Permittee shall proceed without delay to complete all of the additional monitoring required in this subsection. The one additional test result shall replace the compliance test result upon determination by the Department that the compliance test result was anomalous.

If all of the additional compliance monitoring conducted in accordance with this subsection complies with the permit limit, the Permittee shall search all pertinent and recent facility records (operating records, monitoring results, inspection records, spill reports, weather records, production records, raw material purchases, pretreatment records, etc.) and submit a report to the Department on possible causes and preventive measures for the transient toxicity event which triggered the additional compliance monitoring.

If toxicity occurs in violation of the chronic toxicity limit during the additional compliance monitoring, the Permittee shall submit a Toxicity Identification/Reduction Evaluation (TI/RE) plan to the Department within 60 days after test results are final. The TI/RE plan shall be based on WAC 173-205-100(2) and shall be implemented in accordance with WAC 173-205-100(3).

E. Monitoring When There Is No Permit Limit for Chronic Toxicity

Providing the facility is making aluminum, the Permittee shall test final effluent once in the last summer (**by August 01, 2005**) and once in the last winter (**by February 01, 2006**) prior to submission of the application for permit renewal. All species used in the initial chronic effluent characterization or substitutes approved by the Department shall be used and results submitted to the Department as a part of the permit renewal application process.

F. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC.
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39% as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

#### **S9.    OUTFALL EVALUATION**

The Permittee shall inspect Outfall 001, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. The inspection shall be conducted within the last 12 months before the listed expiration date of this permit. The report shall be submitted to the Department on or before **May 01, 2006** as part of the permit renewal application process.

#### **S10.   STORMWATER POLLUTION PREVENTION PLAN (SWPPP)**

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

##### **A.     Plan Development Deadlines**

The Permittee shall develop, implement, and comply with a SWPPP in accordance with the following schedule:

1.     By **May 01, 2002**, develop a SWPPP and retain it on-site.
2.     By **August 01, 2002**, complete the implementation of *operational BMPs* and applicable *source control BMPs*, as required under this Special Condition, which do not require *capital improvements*.



3. By **May 01, 2003**, complete the implementation of BMPs requiring capital improvements.

The guidance for development of a SWPPP is available from the Permit Coordinator, Industrial Section, P.O. Box 47706, Olympia, WA 98504-7706.

B. General Requirements

1. Submission, Retention and Availability:

The Permittee shall submit a copy of the SWPPP to the Department by **May 01, 2002** for review and comment. The SWPPP and all of its modifications shall be signed in accordance with Special Condition S3.I. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.
4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:
  - a. Assessment and description of existing and potential pollutant sources,
  - b. A description of the operational BMPs,
  - c. A description of selected source-control BMPs,
  - d. When necessary, a description of the erosion and sediment control BMPs,
  - e. When necessary, a description of the treatment BMPs, and
  - f. An implementation schedule.

C. Implementation

The Permittee shall conduct two inspections per year; one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discoloration, turbidity, odor, etc. in the stormwater discharge(s).
2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and a certification, in accordance with Condition S3.1., that the facility is in compliance with the plan and this permit and identifying any incidents of noncompliance.

**S11. SOLID WASTE DISPOSAL**

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of

treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a solid waste control plan to the Department no later than **May 01, 2002**. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 180 days prior to the expiration date of the permit.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 180 days prior to the expiration date of the permit.

## GENERAL CONDITIONS

### G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described above and submitted to the Department, and
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

## **G2. RIGHT OF ENTRY**

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;
- B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;
- C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;
- D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
- E. To sample at reasonable times any discharge of pollutants.

## **G3. PERMIT ACTIONS**

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

- A. Violation of any permit term or condition;
- B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
- C. A material change in quantity or type of waste disposal;
- D. A material change in the condition of the waters of the state; or
- E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

## **G4. REPORTING A CAUSE FOR MODIFICATION**

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

**G5. PLAN REVIEW REQUIRED**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

**G6. COMPLIANCE WITH OTHER LAWS AND STATUTES**

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. DUTY TO REAPPLY**

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

**G8. PERMIT TRANSFER**

This permit is automatically transferred to a new owner or operator if:

- A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;
- B. A copy of the permit is provided to the new owner and;
- C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

**G9. REDUCED PRODUCTION FOR COMPLIANCE**

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**G10. REMOVED SUBSTANCES**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

**G11. TOXIC POLLUTANTS**

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

**G12. OTHER REQUIREMENTS OF 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

**G13. ADDITIONAL MONITORING**

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

**G14. PAYMENT OF FEES**

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS**

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.